UNITED STATES PATENT OFFICE.

SCIENTIFIC AMERICAN

HAND BOOK ON PATENTS

CAVEATS, DESIGNS AND TRADE MARKS.

MUNN & CO. NEW YORK

THE

SCIENTIFIC AMERICAN

HANDBOOK

RELATING TO PATENTS, CAVEATS, DESIGNS,
TRADE-MARKS, COPYRIGHTS, ETC.

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No. 361 BROADWAY,
NEW YORK.

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Handbook on Patent Practice.

THE object of these pages is to explain briefly and clearly the essential features of the patent practice. If the inventor, however, has not the time to read and digest the contents of this little book, it is only necessary for him to write to us and describe his invention, and by return mail he will receive an answer explaining what steps should be taken to protect his interests. All the work is done by us, who will prepare the necessary papers, and file the application in the Patent Office. The questions that naturally arise in the mind of the inventor or discoverer of a new article, device or improvement are: First, can I obtain a patent? Second, what reliable firm can I employ as my solicitors? Third, what steps must I take, and what will be the expense?

Can I Obtain a Patent?

The quickest way to ascertain this without expense is to write to us describing the invention. Send also a small sketch. Nicety of drawing is not essential; all that is necessary at first is to give us *your idea*. Send stamps for postage.

We will immediately inform you whether or not we think the invention is patentable; and if so, give the necessary instructions for further procedure. Our long experience enables us to decide quickly. For this advice we make *no charge*.

Any who desire to consult us in regard to obtaining patents are cordially invited to do so.

We shall be happy to see them in person at our office, or to advise them by letter. In all cases a careful consideration of their plans, an honest opinion, and a prompt reply may be expected.

Security.

What security have I that my communications to MUNN & Co. will be faithfully guarded and remain confidential?

Answer.—You have none except our well-known integrity in this respect, based upon a most extensive practice of fifty years. Our clients are numbered by hundreds of thousands. They are to be found in every town and city of the Union. Such a thing as the betrayal of a client's interest never has occurred, and is not likely to occur. All business and communications intrusted to us are *secret and confidential.*

How to Apply for a Patent.

Papers Required.

In order to apply for a patent, it is necessary to file in the Patent Office a Petition, Affidavit of Invention, Drawings, and Specification, all of which must be prepared in legal form and in accordance with official rules and practice of the office.

These papers are all prepared by us. The inventor should send either a clear sketch or a model of the invention, by express or by mail, prepaid, with an explanation of the merits and working of the invention. He should be very particular to give his ideas in full about the invention, and describe its operation, and mention all the advantages he can think of. He should also remit $25 on account, and give his full name, middle name included.

We will then prepare the necessary papers, and send them to him for examination and signature, with directions about signing and verifying the same. The next fee (which is $30, if the case is a simple one) is then payable. We can furnish photographic copies of the patent drawings before the case is filed for 50c. per sheet.

MAIN ENTRANCE TO THE SCIENTIFIC AMERICAN OFFICES.

Filing the Case in the Patent Office.

As soon as the application is filed in the Patent Office, the inventor is protected against the grant, without his knowledge, of a patent for the same thing to another person. The official receipt is issued by the Patent Office and sent to the inventor when the application is filed.

When the patent is allowed, the final government fee of $20 is payable, making the total cost of the patent $75, of which the Government fees are $35, and our charges $40, for the drawings, specification, and prosecution of the case before the Patent Office. These costs relate to any ordinary simple machine, device, structure, implement, tool, or instrument; unless the invention is complicated, and additional time and labor are required, the costs are not increased; we always aim to make them as moderate as possible.

After the application is filed it receives, in its due turn, an official examination, when the Patent Office examiner makes such objections and cites such references to other patents as he thinks proper. We then examine the references and use our best endeavors, by written and oral argument, to remove the objections and procure the allowance of the patent. When the claims are rejected, one year is allowed in which to file an amendment, with a view to overcoming these objections. On the second hearing, new objections and new references are often cited, and further time and labor are then required on our part; and so on perhaps for a third or fourth hearing. It will thus be seen that the work of prosecuting the case while before the Patent Office is very arduous and consumes much time; but the cost is included in our fees already mentioned. Many attorneys charge extra for this work after the application is filed. Again, unscrupulous attorneys accept limited patents in order to save themselves trouble and expense, and the inventor thus gets no real protection even when his invention is quite new. The same result follows when the attorney is not skilled or experienced.

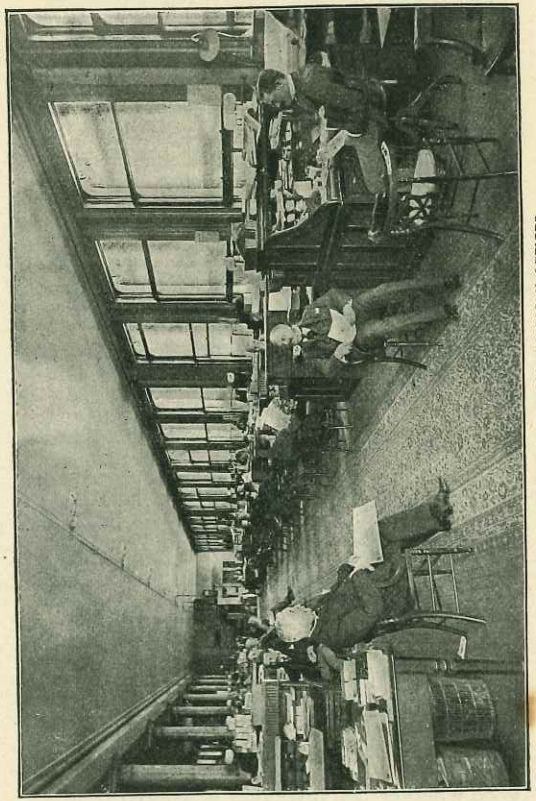
The time required to procure a decision from the Patent Office is in most cases from four to eight weeks.

When the Patent Office decides to grant a patent, we send notice to the applicant stating the application has been "*allowed*," and the patent will be printed and issued shortly after the payment of the final Government fee of $20, as above mentioned. The applicant may pay this at once and have the patent issued without delay, or he may wait six months before making the payment.

Under the existing laws, which went into operation on January 1, 1898, it is no longer necessary to delay the filing of foreign patents until the United States case is allowed. **All foreign patents may now be filed at once.** Great care should be taken, however, as heretofore, in case the inventor is not prepared to proceed at once with foreign patents, to prevent the issue of the United States patent until the question of foreign patents has been finally decided. The allowed case may be permitted to rest in the secret archives of the Patent Office for a period of six months, in order that the foreign cases may be prepared and forwarded for filing. It is important, therefore, before having the United States patent issued, to consider the desirability of procuring foreign patents, and to that end our Handbook on Foreign Patents should be carefully examined.

United States patents are granted for the term of seventeen years, and cannot be extended except by special act of Congress. The patent is issued absolutely without any conditions annexed. The patent remains good whether the invention is worked or not; and no additional taxes or payments are re-

Term of Patent 17 Years.



INTERIOR OF THE SCIENTIFIC AMERICAN OFFICES.

quired beyond the first cost of securing the patent.

In order to facilitate our practice before the Patent Office we have a branch house in Washington (see engraving, page 16), employing a corps of skilled assistants, whose special duty is to watch over the cases of our clients pending before the Patent Office.

Our Washington Office.

Citizens, foreigners, women, minors, and the administrators of estates of deceased inventors, may obtain patents. There is no distinction as to nativity, person or charges.

Who Can Apply.

Two or more persons may apply jointly for a patent, if they are joint inventors. If one person is the inventor and the other only a partner, the patent must be applied for in the name of the inventor alone; but he may secure his partner in advance by executing a deed of conveyance, so drawn that the patent will be issued in both names. It is of the greatest importance that the true position of joint applicants should be thoroughly understood by the attorney, in order that he may prepare the papers so as properly to protect the interests of both parties. If both applicants are *true inventors* they both should sign the papers, but if they are joint owners merely, the true inventor alone should sign the application papers, and assign the proper interest to the other party. A patent would not be valid in which one of the parties interested had signed the papers without being a co-inventor.

Joint Applicants.

An inventor may grant a license, or sell and assign any portion of his right in an invention, either before or after the patent is granted.

Assignments, Securities, etc.

The deed of conveyance should be recorded in the Patent Office. Our charge to prepare an assignment and attend to the recording of the same is $5. (See page 19.)

When the patent issues we publish a special notice thereof in the SCIENTIFIC AMERICAN, briefly descriptive of the leading features and merits of the invention, with the patentee's name and address. This notice obtains a circulation of between forty-five and fifty thousand copies without any expense to our client, and is of value in bringing the invention before the public and promoting its introduction. Were the inventor to do this printing himself, say on the backs of postal cards, it would cost him five hundred dollars for the cards alone, besides the additional expense for presswork and addressing. A postal card or printed circular is rarely seen by more than one person ; whereas a notice in the SCIENTIFIC AMERICAN probably comes before several hundred thousand readers.

Notice in the Scientific American.

Compounds, etc.

New chemical and other compositions, such as paints, wall plasters, artificial stone, new pavements, roofing material, fire kindlers, fire proofing or water proofing compositions, and the like, may be patented. A full statement must be given of the ingredients, with the proportions of each, and the manner of mixing and otherwise preparing the composition. Medical compositions now are rarely held to be patentable, and the best way is to adopt a trade mark and keep the ingredients of the medicine secret. (See page 27 in regard to Trade Marks.) The expenses to apply for a patent on a new composition or compound seldom exceeds

$55, and in many cases is less; when the patent is allowed, $20 more; total expense, Government fees included, $75.

Preliminary Examination.

This consists in a special search made by us at the Patent Office at Washington among the patents for similar inventions, to determine whether any have already been issued that would probably prevent the grant of a patent to our client. On completing the examination, we prepare a report stating what patents have been found that most closely resemble the invention, and we forward copies of these patents, together with our opinion as to the probability of procuring a patent. The cost for the search is $5, which includes copies of any patents we may cite. If the report is unfavorable, the applicant will thus be saved all further expense. The number of patents issued in the United States is now so great, however, that for the small fee charged for examination, it is impossible to guarantee infallibility in making the search, for the slightest oversight when making the examination might lead to an erroneous conclusion. It is our policy always to be conservative in our advice, and to try to show the inventor, before he proceeds to apply for a patent, the obstacles that he will have to contend with, rather than to urge him to proceed with a case which seems to possess little novelty.

In making preliminary examinations we endeavor to proceed with all possible thoroughness, without making an extra charge, even when we are examining classes of inventions that involve special difficulties, owing to the nature of the subjects or the large number of

patents already granted. In some classes, however, it is not possible to make an exhaustive search for less than $25.00 or higher.

All our examinations are made by experts who have had years of experience in conducting searches, and who are entirely familiar with the state of the art.

The fee paid for preliminary examination is a separate fee, and is not applied towards the cost of the patent. It is desirable for the inventor to state whether he wishes the examination made. Our examination does not extend to foreign patents, nor to pending applications, which are secret and not open to inspection.

For preliminary examination send sketch and brief description of the invention and the fee, $5, to MUNN & Co., 361 Broadway, New York.

A Word to Lawyers.

Many of our fellow members of the Bar are not aware that we make a specialty of attending to the cases of lawyers who are not familiar with the peculiarities of patent office practice. We prepare the specification and drawings, and put the case in shape for filing. Furthermore, we often attend to the prosecution of applications that have been filed by lawyers and which are found to be defective or irregular. Our extensive practice of half a century has given us such experience, and the business is so systematized, that our cases are forwarded with the least possible delay, and are watched over with care.

All our correspondence is confidential, and we need not appear as attorneys in the case unless it is so desired, as the lawyer can appoint us associate attorneys for the purpose of filing and prosecuting the case. Our fees for this class of work are very reasonable. Any who prefer to correspond with a Washington house, can write direct to our Washington office, No. 625 F Street.

Appeals.

In prosecuting an application before the Patent Office, it is sometimes necessary to amend the claims a number of times, and present arguments setting forth the novel points, and stating our reasons why the case should be allowed. For prosecuting the case as above, we make no extra charge, as this expense has been included in the original agency fee. If the case is finally rejected, and the patent refused, the applicant is allowed to appeal from the decision of the primary examiners, as follows: *First*, to the Board of Examiners-in-Chief; *Second*, to the Commissioner of Patents; *Third*, to the Supreme Court of the District of Columbia.

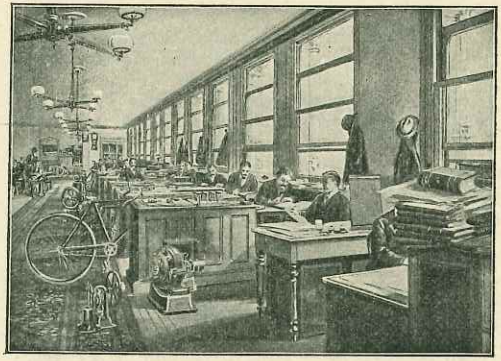
First Appeal.—The Government fee, payable by the applicant on making an appeal to the Examiners-in-Chief, is $10. Our charges for preparing and conducting this appeal are very moderate, and in part contingent upon success.

Second Appeal.—From the decision of the Examiners-in-Chief an appeal may be taken to the Commissioner of Patents. Government fee, $20. Our fee will depend upon the nature of the case and the difficulties involved.

Third Appeal.—From the decision of the Commissioner of Patents an appeal may be taken to the Supreme Court of the District of Columbia.

We exhaust, without charge, every argument

during the prosecution of the case before the primary examiners, but if the claims are finally rejected, we do not urge our client to go to the expense of an appeal, unless in our judgment the chances of success are favorable.



DRAUGHTING DEPARTMENT.

Models or Sketches.

The Patent Office does not require that a model shall be furnished in order to apply for a patent; but after the application is made, the office will call for a model if deemed necessary.

In order to assist us, however, in preparing the proper specifications and drawings for the patent, we rely upon the applicant to furnish us, in the first instance, either a small model or photographs, or such clear sketches of all the details of his invention that we cannot mistake

his ideas respecting the construction. In general, unless the applicant can draw pretty well, it will be better for him to send us a small model, representing either the whole invention or the most important parts thereof, so that we may have a clear understanding of the arrangement and construction of the parts. The applicant should take especial pains to *explain and show to us fully* everything pertaining to his invention. If he neglects this, he is likely to damage his own interests. If a model is sent it may be quite small and cheaply made—it may be simply whittled out in wood. It matters little how made, or of what materials, if it represents the invention. The smaller the better. The model may be sent by mail, post-paid, at the rate of one cent an ounce. If the model is mailed in a box, do *not* nail or screw the box, but tie it. Do not put any writing in the box or on the model. Violation of these rules compels the post office authorities at New York to collect letter postage before delivery.

When forwarding the model, never place money in the box, as it is liable to be stolen. Remit the money by postal order, check, or draft, to order of MUNN & Co. Send the model (by mail or express) prepaid, and announce the sending by same mail, addressed MUNN & Co., 361 Broadway, New York.

Obtaining Assistance.

Where an inventor has not the means to procure a Patent for his invention, or to file a caveat, we recommend that he forward us sketches and description of his invention to put on our records, and then to apply for the necessary funds to some acquaintance or neighbor likely to take an interest in the patent In

SCIENTIFIC AMERICAN BUILDING, WASHINGTON, D. C.

consideration of the fees it is usual to give a part interest in the patent, and an assignment covering such interest may be prepared and filed in the Patent Office, with the application papers. The patent will then issue to both parties jointly. See page 19 as to assignments.

Going to Washington.

Some inventors suppose, very naturally, that if personally present in Washington, they can get their cases through more expeditiously, or command other important facilities. But this is not so. The journey to Washington is usually a mere waste of time and money; nevertheless, some persons prefer to go. If an inventor prefers to go to Washington in person, this Handbook will serve as an introduction to our office there. No one has better facilities for prosecuting applications before the Patent Office; a very large portion of the entire business of the Patent Office passes through our hands; our Washington office is provided with a large corps of skilled examiners, and any one calling there will receive every attention and courtesy.

The importance of having patent papers properly prepared, in accordance with the technical rules governing the patent practice, cannot be overestimated.

The United States Patent Office does not prepare patent papers or make models. These must be provided by the applicant, or his attorney, according to law, otherwise his claim will not be considered.

Persons who visit Washington in person can have all their patent business promptly attended to by calling at MUNN & CO.'S BRANCH OFFICE, No. 625 F Street, close by the Patent Office. (See engraving on opposite page.)

Renewal of Allowed Cases.

When an application for a patent has been officially examined and allowed, the applicant is notified, and requested to pay in the final government fee of $20; the patent will then be printed and issued. The printing generally takes three weeks' time after the final fee is paid.

Six months' time is given from the date of allowance, for the payment of the final fee; after which time, if the fee is not paid, the patent will be withheld, and cannot be revived except by renewing the application, and paying a new initial fee; which can be done at any time within two years from the date of the allowance above mentioned.

Interference of Patents.

If the applications of two or more individuals are found by the Patent Office to contain claims for the same invention, such applications, if the device is held to be patentable, will be officially adjudged to interfere. Notices will then be given to the applicants to take the evidence of witnesses touching the date when the contestants first made the invention. The Patent Office will examine the testimony, and issue the patent to the prior inventor.

If an application is rejected on a United States patent, the applicant may ask for an Interference to be declared, provided the patent on which he is rejected was issued not more than two years before the interfering application was filed. Testimony as to date of invention will then be received by the Office; and if the later applicant proves priority he will receive a patent.

The proceedings and arguments in interference cases are governed by legal rules, and the services of experienced attorneys are required. During the fifty years of our professional career, we have successfully conducted many interference cases, taking testimony in all parts of the country.

Assignments of Patents.

The inventor may sell and assign his invention either before he has applied for the patent, or after the patent has been applied for, or after the patent has been issued. He may sell or assign any portion, such as one-fifth or one-half interest in the patent, or a town, county, or State right. If assigned before the patent is granted, the purchaser will enjoy the right under the patent whenever it is issued.

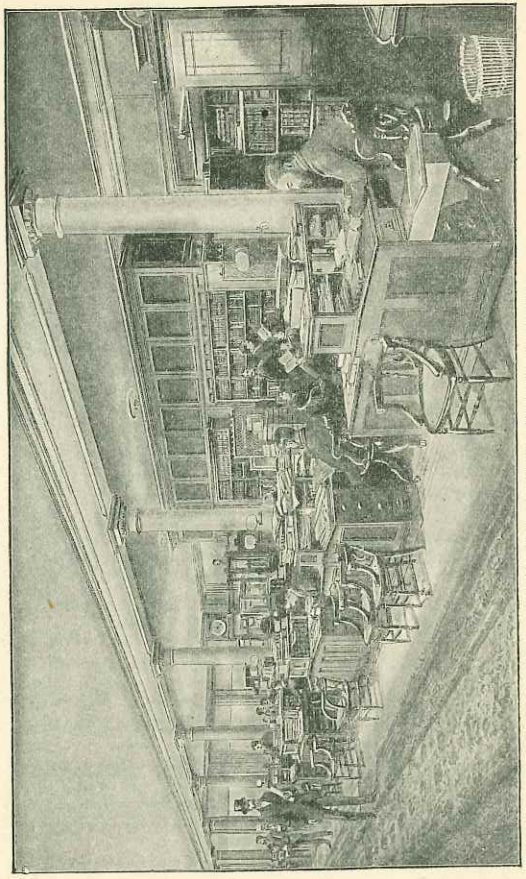
The deed of assignment of a patent, or portion of a patent, should be recorded at the Patent Office, Washington.

Those who desire to have assignments of patents, or licenses, drawn in proper form and recorded, will please communicate with MUNN & Co., 361 Broadway, New York, stating the full names and residences of the parties, the share to be conveyed, the title of the invention, and, if already patented, the date of the patent. Also remit $5, our charge in full, which also includes the recording fee.

Copies of Patents.

A printed copy of the full specification, with the drawings of any patent granted since July 1, 1861, is furnished by us for 10 cents.

A printed copy of the drawing only of any patent granted prior to July 1, 1861, is furnished by us for 10 cents. The specifications of patents dated prior to 1861 have not yet been



INTERIOR, SHOWING BOOK DEPARTMENT.

printed; but we will supply written copies thereof at reasonable cost.

In order to save the cost of searching, parties who order copies of patents as above should give the *date of the patent and the patentee's name*. Send the money with the order.

☞ If the date and number of the patent are unknown, we will, if desired, carefully search for the patent described in the order. For the time occupied in this search we make a reasonable charge.

Infringement of Patents.

Infringement consists in the unlawful *use*, *sale*, or *manufacture* of a patented article without the consent of the patentee or owner. It is not an infringement to make a patented article simply for private experimental purposes, with a view to test the sufficiency of the patent, or to improve upon the patent, or for other purposes of private investigation. It is not an infringement to take out a patent for an invention which is an improvement on a previous patent.

"Before I apply for a patent I wish to know whether my invention infringes any other patent." The expense to answer this inquiry is usually more than the cost to obtain the patent. The Patent Office does not consider this question, and it is better to apply at once for the patent, and postpone the question of infringement—which may never arise—until the patent is granted. By applying for the patent you obtain the benefit of the official examination, which, perhaps, will be all you require.

All good improvements are worth patenting,

even if their use should be found to infringe a prior patent.

Infringements really occur much less frequently than most people suppose; and in general, unless you have special reason to believe that infringement exists, the best way is not to give yourself trouble about it until some one troubles you. It may even be that an infringing device is worth more than the patent with which it conflicts. Patentees of conflicting inventions can usually make satisfactory arrangements with the owners of the prior patents; it is obviously to the interest of prior patentees to have their patents used as extensively as possible. The princely revenue of Howe, the inventor of the sewing machine, was about $500,000 annually, derived chiefly from two infringing patentees paying him a small royalty on each machine, while the net profits of the infringing companies were many times that received by Howe.

The general rule of law is, that the first original patentee is entitled to a broad interpretation of his claims. The scope of any patent is therefore governed by the inventions of prior date. To determine whether the use of a patent is an infringement of another generally requires a most careful examination of all analogous prior patents. An opinion based upon such research requires for its preparation much time and labor.

The expense of these examinations, with written opinion, varies from $25 to $100 or more, according to the labor involved.

Rejected and Defective Cases.

No additions or material changes can be made in an application after it has been filed in the Patent Office.

We give prompt attention to the prosecution of cases that have been filed by others and rejected, or which have been delayed because of improper preparation, or by failure of the attorneys to present proper legal and technical arguments. Our charges for this work are moderate. We can obtain the patent if anybody can. Inventors should write to us in such cases for our opinion as to the probability of being able to prosecute the case to an allowance.

Re-issue of Patents.

When a patent has been issued which contains a material or invalidating error, either in the wording of the claims, or the specification, or the drawings, such error, provided it has arisen through inadvertence, accident, or mistake, may be corrected by surrendering the original patent and asking for a re-issue. The re-issue must be made within a reasonable time after the grant of the patent. The expense for a re-issue is ordinarily from $75 to $100.

Warning.

The re-issue of a patent to strengthen the claims is at present extremely difficult, and, in fact, often impossible. If obtained, it must stand the very severe tests to which at present re-issues are subjected in the United States courts. Inventors should therefore *avoid the necessity for re-issues* by employing in the first instance attorneys who have had the necessary scientific and legal training, which enables them to draw the papers in proper form and to conduct the case ably before the Patent Office.

Foreign Patents.

For information concerning Foreign Patents, see page 31, or send for pamphlet on Foreign Patents.

Caveats.

The object of a caveat is to give the inventor time to test and perfect his discovery. Should another inventor apply for a patent for the same invention, the caveator is officially notified, and called upon to file his application for a patent. The existence of a caveat is one of the evidences of priority of invention. A caveat runs for a year, and can be extended from year to year. Caveats can only be filed by citizens of the United States, and aliens who have resided here one year and have declared their intention to become citizens. All caveats are secret. No one can see or obtain a copy of a caveat without the order of the caveator. A caveator can use the stamp, "Caveat filed," and such stamp sometimes assists in selling an article or securing trade.

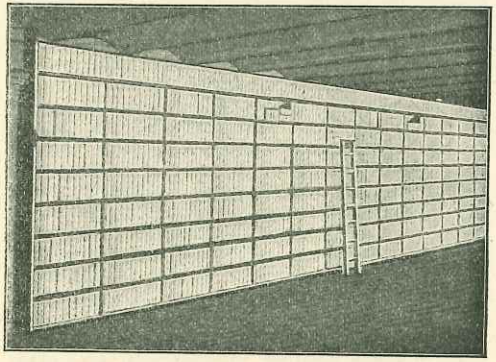
Difference Between a Caveat and a Patent.

The filing of a caveat does not secure any *exclusive* rights of sale. The patent secures that right. The filing of a caveat has nothing to do with the grant of a patent. The Government makes no search as to novelty when a caveat is filed. No portion of the money paid for a caveat applies toward the patent fees.

A caveat consists of a petition, specification, drawing, and affidavit of invention. To be of any value, these papers must be carefully drawn up by a competent attorney, and the invention explained as fully as possible. No model is required. Our facilities enable us to prepare caveat papers with great dispatch.

When specially desired, we can have them ready to send to the applicant, for signature and affidavit, by return mail. There is little to be gained generally by filing a caveat if the invention is perfected, and in such case it is advisable to proceed at once for a patent and thus save the caveat fees.

The whole expense to file a caveat is generally $30, of which the official fee is $10. On filing the caveat in Washington the Patent Office issues an official certificate. To prepare caveat papers, all that we need is a sketch, drawing, or photograph, and description of the invention, with which remit fees as above. Remit by draft or postal order to MUNN & Co., 361 Broadway, New York.



LETTER-FILES, CONTAINING TWO YEARS' CORRESPONDENCE.

Design Patents.

Design patents are granted for any new and original figure, shape or pattern for prints or fabrics of any kind, to be woven, printed, cast, or otherwise placed on or worked into any article of manufacture; also, for any new bust, statue, alto-rilievo, bas-relief; also, for any new shape, form or curve given to any tool, frame, article of manufacture, or special part of a machine that makes an article look better or sell better. The scope of the design patent law is very broad in respect to protecting new forms for articles. In a large class of mechanical as well as ornamental devices the shape is really the important feature, and, if the nature of the improvement is such that a mechanical patent may not be obtained, a design patent may be quite as effective. In a number of instances large business interests have been built up with a design patent as a basis. It is often desirable to obtain both a mechanical and a design patent for the same article. Every year the importance of design patents is becoming greater. This is in a great measure due to the very liberal laws now in force against infringers of this class of patents. A design patent costs $30 for 3½ years; $35 for 7 years; $50 for 14 years. These fees include our fees and the Government fees.

Trade Marks.

The United States law provides that any person, firm, or corporation may secure registration of a trade mark by complying with the official regulations of the Patent Office.

A trade mark cannot be registered unless it is already in use in trade with one or more foreign countries or an Indian tribe. In case the firm seeking protection is not already so engaged in such trade, the technical requirement may be met by small shipments to a foreign country as an effort to establish a bona-fide foreign trade.

A trade mark consists of a distinctive or fanciful name or title for an article, or a device, design, or stamp, or combination thereof, applied to merchandise, or the envelopes or packages. We give advice as to whether any particular name is probably registrable.

Words that are merely *descriptive* of the article cannot be registered as trade marks. The name adopted must be purely fanciful or arbitrary.

For example, the words "Yellow Washing Soap" cannot be registered. But the same words, if accompanied by a device or picture, such as a lion, might be registered. The words "Gold Pens" could not be registered as a trade mark for use upon packages of gold pens; but the words "Bonanza Gold Pens" might be registered.

The official rules must be carefully observed. We prepare all the papers, which consist of a proper drawing, a letter of advice, to be signed by the applicant, a written description of the trade mark, statement and declaration as to use, together with an affidavit, also signed by applicant, and stating that the mark has been used by him in commerce with a foreign nation or Indian tribe.

Trade marks remain in force for thirty years, and may be renewed for thirty years more.

The cost to register a trade mark is $45, of which the Government fee is $25, and our charge is $20.

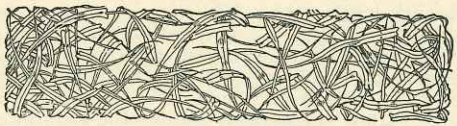
Persons desiring to know whether certain words or devices have already been registered as a trade mark can procure the information without delay by application to the undersigned. Expense of search, $5.

Those who desire to procure protection for trade marks are requested to communicate with MUNN & Co., No. 361 Broadway, New York, who will give advice and information free of charge.

Labels.

Provided they exhibit artistic or literary merit, labels for bottles, boxes, and packages, for medicines, compounds, and every description of merchandise, may be secured by registration in the Patent Office. A label is subject to the copyright regulations, and must therefore be registered before publication. If the label is essentially a trade mark and nothing more, it cannot be registered as a label, but must be registered as a trade mark.

The fees for preparing and registering a label are $20, including the Agency and Government fees.



Copyrights for Books, Pamphlets, Charts, Pictures, and Art Works.

A copyright may be obtained by any one who is the author, inventor, designer or proprietor of any book, map, chart, dramatic or musical composition, engraving, cut, print, or photograph or negative thereof, or of a painting, drawing, chromo, statue, statuary, and of models and designs, intended to be perfected as works of the fine arts.

A copyright is not valid unless the title or description is recorded and two printed copies deposited in the Library of Congress, *on or before the day of publication of the work.*

Those who desire to obtain copyrights are requested to communicate with us, and send us *the title* of the book, print, photograph, or article. We will then cause the title to be printed, and recorded at Washington, as by law required. The official certificate of copyright will then be sent to our client. Our charge to attend to the business of obtaining a copyright is $5. As copyrights are filed in advance of the issue of the work, we only need to receive from the author *the title* of his production, not the work itself.

If a copyright is desired for a painting, drawing, chromo, statue, statuary, or model or design for a work of art, send us the

intended title, and also a brief description thereof, and $5.

Copyrights are granted for the term of twenty-eight years, and may be renewed for fourteen additional years, if the renewal is filed within six months before the expiration of the first term.

Copyrights may be assigned; the assignment should be recorded with the Librarian of Congress.

Citizens of foreign countries may obtain copyrights here, provided reciprocity exists or corresponding privileges are allowed to Americans in such foreign countries.

Machines and inventions cannot be copyrighted.

Address MUNN & Co., 361 Broadway, New York, for further information.

Canadian Patents.

The laws of Canada are modeled practically after the United States Patent Laws, and every inducement is offered to the American inventor to procure patents there.

The expense to apply for a Canadian patent is forty-five dollars for a simple case, which includes government tax, agency, and all charges for six years, after which two additional terms of six years each may be obtained by the owner of the patent on payment of twenty-five dollars each—making the entire term of the patent eighteen years. The patent may be applied for at the outset for eighteen years, at a cost of eighty-five dollars.

An application must be filed in Canada within one year after date of issue of the United States patent, after which time the invention becomes public property there.

Foreign Patents.

The American patent law contains a special provision in favor of the inventor who desires to secure patents in other countries, namely: It provides that after a home patent is *allowed*, the application may remain in the secret archives of the patent office for a period not exceeding *six months*, thus enabling the inventor to arrange for his foreign patents *in advance of all other persons*. But if the inventor permits the American patent to issue before he has applied for foreign patents, he loses the opportunity of obtaining them; for in many countries the patent is invalid if the invention has been previously patented elsewhere; the inventor is thus deprived of the credit and emoluments that he might easily have secured. Many valuable patents have thus been lost to inventors in European countries.

Such is the prestige and fame for ingenuity which Americans enjoy in Europe that good American inventions are in demand, and if proper steps are taken, may be quickly introduced and rendered profitable. We suggest to American inventors that they endeavor to avail themselves *of every advantage that they can* in this direction. Pamphlet on Foreign Patent Practice sent free.

Procure a Partner for Foreign Countries.

The expenses of procuring patents in Europe having been *greatly reduced*, the obstacle of cost no longer stands seriously in the way of

the American patentee. If, however, he is unable to meet the expense, he should find a reliable partner who will pay the costs and share the profits. Arrangements of this kind have in many cases proved highly profitable to all concerned. Agreements with one partner for England, with another for France, and so on, might prove advantageous.

Unscrupulous patent solicitors induce patentees to take certain European patents after the United States patent has issued, knowing that, while the foreign patents can be obtained, they are not valid, and will be declared absolutely worthless when it is shown that the invention had first been patented elsewhere, that is, in the United States. It is a common practice also for these people to employ the most unreliable foreign agents, because of their cheaper fees, and the result is defective foreign patents.

Cuba, Puerto Rico, and the Philippines.

Since the Treaty of Paris it has been possible to extend the privileges of United States patents in the above-named countries by simply registering the same with the proper authorities and paying the required fees, which are nominal. Information in regard to the proper method of procedure and cost will be furnished on application.

Our Pamphlet on Foreign Patents, stating the principal requirements, fees, etc., sent free on application by addressing

MUNN & CO.,
361 Broadway,
New York.

General Notes.

"Patent Applied for."

An inventor may manufacture his invention and mark the goods "Patent applied for," or "Patent pending," after his application has been filed, without waiting for the patent to issue. In case foreign patents are thought of, this is not always a safe course to take, as there is the possibility of losing the right to obtain valid foreign patents. This occurs when the publication of the invention becomes known in certain of the foreign countries before patents are applied for in such countries.

Will it Pay to Take a Patent?

As a general rule, an invention is worth little or nothing until the patent is obtained; and until then, no one is likely to buy. Therefore the first thing to be considered, the first step to be taken, is to *obtain the patent.*

The extent of profit frequently depends upon the business capacity of the inventor or his agent. One man by his activity will make a fortune from an unpromising improvement, while another, possessing a brilliant invention, will realize little or nothing, owing to incompetence.

In speaking of this subject, in an official report, a chief examiner of the Patent Office says: "A patent, if it is worth anything, when properly managed, is worth and can easily be sold for from one to fifty thousand dollars. These remarks only apply

to patents of ordinary or minor value. They do not include such as the telegraph, the planing machine, and the rubber patents, which are worth millions each. A few cases of the first kind will better illustrate my meaning:

"A man obtained a patent for a slight improvement in straw cutters, took a model of his invention through the Western States, and after a tour of eight months returned with forty thousand dollars in cash, or its equivalent.

"Another inventor in about fifteen months made sales that brought him sixty thousand dollars, his invention being a machine to thresh and clean grain. A third obtained a patent for a printing ink, and refused fifty thousand dollars, and finally sold it for about sixty thousand dollars.

"These are ordinary cases of minor invention, embracing no very considerable inventive powers, and of which hundreds go out from the Patent Office every year. Experience shows that the most profitable patents are those which contain very little real invention, and are to a superficial observer of little value."

The Goodyear Rubber patents, the Sewing Machine patents, the Bell Telephone patents, have brought many millions of dollars to their owners, and are notable instances of the extraordinary value of simple inventions, when of such a nature as to enter extensively into the requirements of the general public.

Minor contrivances of less universal need are still, in some cases, of great worth. An example is seen in Dr. Higgin's Sliding Thimble for umbrellas. This is a little contrivance for pushing umbrella springs and protecting the fingers. The doctor states he

received more than one hundred thousand dollars in cash as royalties from his patents. He secured American, English, French, German, and other patents at a small cost. His foreign patents have proved especially profitable.

The foregoing and other instances are significant in showing that good business management is an essential element in effecting the introduction and sale of a patent. It is, therefore, often advisable to transfer a share or interest in the patent to some business acquaintance for the purpose of forwarding the introduction of the invention.

How and What to Invent

Inventors, attracted by the advertisements of lists of "inventions wanted," send for such lists and proceed to work on suggestions therein contained, with the glittering prospect of a quick sale and immediate wealth, little thinking that many of the suggestions are old; some of the devices already patented, and the rest, for the most part, things that are not in demand.

This is only a scheme to secure patent fees. The inventor has made great progress when he has found a real chance for invention. Ordinary common sense teaches that no one having valuable knowledge of inventions wanted would be likely to give such knowledge away freely. Often there are developments in an industry which come to public notice, demanding new inventions. These legitimate subjects are promptly noticed in the SCIENTIFIC AMERICAN and open to all.

The way to invent is to *keep thinking;* and to thought add *practical experiments.* Exam-

ine things about you, and study how to improve them. Those who do this will soon acquire a knowledge of the sciences, and insensibly become educated.

Many opportunities may be taken advantage of by noting what is selling well in your neighborhood, or what is in general use or coming into use. Try to keep well informed of what is going on.

There is no better way of keeping abreast of the times and of getting in touch with what progress is being made in the industrial and domestic arts, than by a weekly perusal of the *Scientific American*. See page 53.

Hints on the Sale of Patents.

No sooner does any person's name appear in print as the patentee of a new invention, than he receives by mail a shower of letters and circulars from a gang of patent knaves. The patentee is invited, if he wants to realize immediately, say one thousand, two thousand, or ten thousand dollars, to send forward to the agent *a small advance fee*. Thus, instead of helping the patentee to obtain money, they begin by drawing money from him; upon this they live and flourish. We are often asked if these impostors, who so pressingly and plausibly claim to be able to sell patents, are reliable, and whether they ever effect sales. We regret to be obliged to say they are unreliable, and we are unable to learn of their making any sales. There are about twenty-five thousand new patentees every year, from many of whom these patent sale agents obtain money under false pretenses. They busy themselves in writing letters to inventors and in working

them up to the remitting point, but have no time left for the drudgery of patent-selling, even if they had any ability in that direction. There is no trickery too low for some of these sellers, and no end to the falsehoods they tell. We do not sell patents, nor have we connection with any concern that pretends so to do. Our advice to patentees is: Beware of these fellows, and take upon yourselves the business of selling.

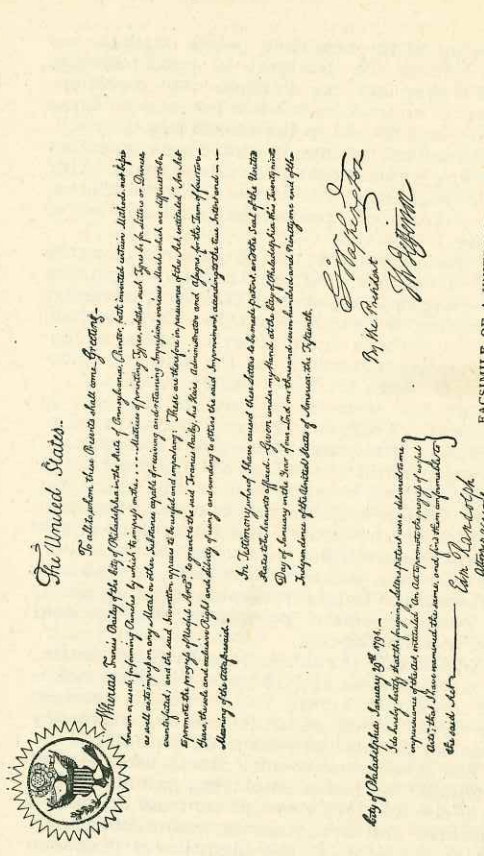
If the invention is one of importance in the arts, or of such a nature that its originality and usefulness are seen at a glance, evidently answering to a public want, the patentee will be able, without much effort, to make advantageous arrangements for the sale and introduction. Such are quick-selling patents.

With the slow-selling patents the case is different. There is no easy and royal road to the sale. It requires active effort and constant attention until it is effected. In general the patentee himself is the best selling agent, for he is familiar with the merits of the invention.

To make the merits and importance of the improvement *publicly known* often effects the sale of a patent. This may be done in various ways: by advertisements in newspapers, by cards, circulars, pamphlets, etc., by local and traveling agents.

Advertising should be done by the patentee, in his own name and address. He thus makes the invention known to the public, receives the direct benefit of all replies, and his money does not go into the pockets of swindlers.

The license and royalty plan is often a most profitable method of employing patents. This, in effect, involves a sort of contract between a patentee and a partner or manufacturer, by which the latter, in consideration of license to


The United States.

To all to whom these Presents shall come, Greeting-

Whereas Samuel Bailey of the City of Philadelphia in the State of Pennsylvania, Esquire, hath invented certain Methods not before known or used, for forming Buckles by which the springe motion . . . . Motion of prentice Iron rollers and Iron to be Letter or Devices as shall satisfy and apply to any Metal or other Substance capable of receiving and retaining Impressions whereof shall have been effectually cleansed; and the said Samuel Bailey is duly sworn according to law, that he verily believes he is the original and sole inventor; These are therefore in pursuance of the Act entitled "An Act to promote the progress of useful Arts" to grant to the said Samuel Bailey, his Heirs, Administrators and Assigns, for the Term of fourteen Years from the date hereof, the sole and exclusive Right and liberty of using and vending to others the said Improvement, according to the true Intent and Meaning of the said Act.

In Testimony whereof I have caused these Letters to be made Patent and the Seal of the United States thereto affixed. Given under my hand at the City of Philadelphia this Twenty ninth Day of January in the Year of our Lord one thousand seven hundred and Ninety nine and of the Independence of the United States of America the Fourth.

By the President

City of Philadelphia January 29th 1791.

The Body, Duty, Sketch, forming Letters, Patent were delivered to me by the within named Samuel Bailey, Esquire, and I do certify that I have examined the same, and find them conformable to the said Act.

Edm. Randolph
Attorney general of the United States

FACSIMILE OF A UNITED STATES PATENT ISSUED IN 1791.

make the thing, agrees to pay to the patentee a specified sum upon each article made or sold.

In some cases an excellent method is to commence the manufacture of the article in a suitable locality, and when it is so far under way as to exhibit progress and merit, then to sell out the business with license under the patent. This method is often very remunerative.

The patentee may subdivide his patent into as many different classes of rights as he chooses, and sell each class by separate agents or otherwise, as he prefers.

In all cases where an invention can be advantageously represented by engravings, the patentee should have them made, to be used on billheads, letters, pamphlets, and circulars. He should, however, remember that it is bad economy to have poor illustrations. A bad cut conveys a poor idea of the merits of an invention; on the contrary, a good, bright, artistic engraving is a wonderful aid in selling.

For obtaining the necessary tools or special machinery for the manufacture of new inventions, we refer inventors to *The Scientific American Manufacturers' Index*, containing a desirable list of addresses of manufacturers. It is sent free on application.

Early American Patents.

The first patent issued in this country appears to have been granted by the General Court of Massachusetts Bay Colony, in October, 1641, to one Samuel Winslow, for manufacturing salt. The term of the patent was ten years, and the grant was conditional upon Winslow's

setting up works within one year. Several other patents were granted by the Bay Colony in the same century, and subsequently, up to the adoption of the Constitution of the United States in 1789. It appears that Massachusetts, Connecticut, and Pennsylvania were the principal members of the thirteen original colonies which granted patents.

The Articles of Confederation, adopted July 12, 1776, contained no authority to grant patents, but the States issued them independently, as the three colonies above mentioned had done. Thus, in 1785, James Rumsey obtained special grants or patents from the States of Maryland, Virginia, Pennsylvania, and New York, for a "newly-invented boat," which was practically tested on the "Potowmack" (Potomac), in September, 1784, in the presence of George Washington, who gave the inventor a letter highly commending the boat as "of vast importance in inland navigation."

John Fitch, Rumsey's more successful rival and contestant, also received at about the same time similar patents, or exclusive privileges, from New York, Virginia, and Pennsylvania.

The first patent granted by the United States was—under the patent law of 1790—to Samuel Hopkins, of Vermont, July 31 1790 (for making pot and pearl ashes). But three patents were issued in 1790, and fifty-five under the act.

We publish on page 38 a facsimile of a patent issued in 1791, to Francis Bailey, for a Punch for forming matrices of Printing Types.

This patent is interesting, as it is signed by George Washington as President, and Thomas Jefferson as Secretary of State, and Edmund Randolph as Attorney-General.

Industrial Progress based on the Patent System.

According to an estimate made by the Commissioner of Patents, from six to seven eighths of the entire manufacturing capital of the United States probably is based upon patents, either directly or indirectly. A very large proportion of all patents prove remunerative, which is the reason why so many are applied for, and so many millions of capital invested in their working. "But all patents," says an able writer, "are not productive; neither are all farms; all men are not rich; all mines are not bonanzas.

"There is scarcely an article of human convenience or necessity in the market to-day that has not at some time or other been the subject of a patent, either in whole or in part. The sale of every such article yields the inventor a profit. If we purchase almost any simple article, a portion of the price goes to the inventor; if we buy a sewing machine, or even a pair of shoes, the chances are that we pay a royalty to as many as a dozen or fifteen inventors at once. Indeed, the field is so vast, and the number of profitable patents so great, that it would be far preferable to undertake a recapitulation of those patents which are not profitable than those which are."

The Scientific American Offices.

On page 2 we give an engraving, an exterior view, of the main offices of the SCIENTIFIC AMERICAN, at 361 Broadway, corner Franklin street. An interior view is seen on page 20. Our location is very central, being only a few steps from the City Hall

Park, the Post Office, the Brooklyn Bridge, the Elevated and Street Railways, etc.

In carrying on our extensive patent business we aim to conduct it in the most expeditious and systematic manner. We are assisted by the most experienced examiners and specification writers. Our drawings are prepared by the best and most expert draughtsmen obtainable.

THE OFFICES OF MUNN & CO. IN 1849 (FROM AN OLD PRINT).

The utmost care is taken to guard the privacy and preserve the safety of the many thousands of inchoate inventions committed to our care; and we may here mention with satisfaction the fact that, during our long professional career of over fifty years, not one of our clients has ever found his confidence in us misplaced.

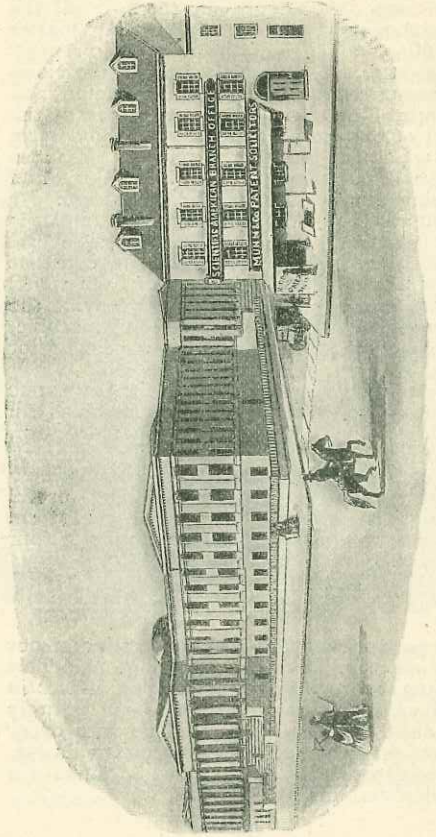
In addition to the large main office, are the model-room, the engraving-room, and the editorial rooms, where the interesting matter that fills the pages of the SCIENTIFIC AMERICAN is prepared. We also show in the views on other pages the draughting department and the letter-files, which give some idea of the extent of our correspondence and the system upon which our business is formed. We also publish some views of our New York and Washington offices of nearly 50 years ago.

The printing of the SCIENTIFIC AMERICAN is done in a neighboring building, where several large steam presses are kept in constant motion, during the greater part of each week, to print our large edition. After leaving the press the sheets pass through a folding machine, are by machinery trimmed, and enveloped for the mail.

The terms of subscription to the SCIENTIFIC AMERICAN are $3 a year. Specimen copies can also be had by sending address to MUNN & Co., 361 Broadway, New York. Every number of the SCIENTIFIC AMERICAN is handsomely illustrated, and is full of interesting, useful reading matter. The yearly numbers form two large volumes, equal in quantity to four thousand ordinary book pages.

Our Branch Office in Washington.

On page 16 we publish an illustration of our new office building in Washington. This building is directly opposite our old offices in the Pacific Building. It has been entirely remodeled and has been fitted up with every modern convenience for our accommodation, and no expense has been spared to make it a model office building.



U. S. PATENT OFFICE AND THE FIRST WASHINGTON OFFICES OF MUNN & CO. (FROM AN OLD PRINT OF 1859.)

Any one visiting Washington will be welcomed by us, and we shall be glad to conduct any of our friends and clients through the Patent Office, which is only a few steps from our building.

Our success as practitioners is largely due to the assistance of our able staff of experts in Washington, which enables us to keep in the closest possible touch with the Patent Office and its practice, with the result that we are able to prosecute our applications in the most efficient manner.

Our Washington offices are located in the SCIENTIFIC AMERICAN Building, at No. 625 F Street.

The U. S. Patent Office at Washington.

The engraving on the cover shows a full exterior view of the Patent Office, which is one of the finest edifices in Washington. It is of the Doric order of architecture, 433 feet long, 331 feet wide, 75 feet high. The collection of models of inventions here gathered is very remarkable, the aggregate number being over 200,000.

The models are preserved in glass cabinets upon the main floor and galleries.

No printed statement or recommendation that we could present will convey to the mind of the visitor so adequate and truthful an impression of the magnitude and wonderful success of our labors in procuring patents for inventors, as a walk through the Patent Office. The visitor beholds tier upon tier of models, rising on both sides from floor to ceiling, occupying a main portion of the entire building; and finds on examining the records that every cabinet, every class of invention, is crowded with models sent from the SCIENTIFIC AMERI-

CAN Patent Agency, and that a very large percentage of the patents granted were issued to our clients.

The number of persons generally employed at the Patent Office is over six hundred. The principal officers are the Commissioner of Patents, who is the executive, the Assistant Commissioner, and nearly two hundred examiners.

The Largest and Best.

Everybody knows that the best service is generally furnished by large, well conducted establishments, and the patent agency business is no exception. We have a staff of trained assistants and draughtsmen: we give to every case careful study, experienced care, and *abundance of time;* we have experts at Washington, who make it their special duty to watch over and assist the progress of our cases before the Patent Office, give explanations, and see that the best claims are allowed. No extra charges are made for these services. Our efforts are usually successful and give general satisfaction. For many years we have secured more patents for inventors, and done more patent business, than any other agency in this country. A large proportion of all the most valuable and successful patents now existing were obtained through the SCIENTIFIC AMERICAN Patent Agency.

Abstracts of Decisions.

Where an inventor has completed his invention, if he neither applies for a patent nor puts it to practical use, a subsequent inventor who promptly applies is entitled to the patent, and the first one is deemed to have abandoned his rights. Pattee *v.* Russell, 3 O. G., 181; Ex parte Carre, 5 O.G ,30; Johnson *v.* Root, 1 Fisher, 351.

As between two rival inventors, the test of priority is the diligence of the one first to conceive it. If he has been diligent in perfecting it, he is entitled to receive the patent. If he has been negligent, the patent is awarded to his opponent. Robinson on Patents, Sec. 375.

The construction and use in public of a working machine, whether the inventor has or has not abandoned it, excludes the grant of a patent to a subsequent inventor. An abandonment in such case inures to the benefit of the public and not to the benefit of a subsequent inventor. Young *v.* Van Duser, 16 O. G., 95.

A mere aggregation or combination of old devices is not patentable when the elements are unchanged in *function and effect.* They are patentable when, "by the action of the elements upon each other, or by their joint action on their common object, they perform additional functions and accomplish additional effects." Robinson on Patents, Sec. 154.

A change of shape enabling an instrument to perform new functions is invention. Wilson *v.* Coon, 18 Blatch., 532; Collar Co. *v.* White, 7 O. G., 690, 877.

A patent which is simply for a method of transacting business or keeping accounts is not valid. U. S. Credit System Co. *v.* American Indemnity Co., 63 O. G., 318.

The law requires that manufacturers of patented articles give notice to the public that the goods are patented by marking thereon the date of the patent or giving equivalent notice. When this law is not complied with, only nominal damages can be recovered. Wilson *v.* Singer Mfg. Co., 4 Bann. & A. 637; McCourt *v.* Brodie, 5 Fisher, 384.

To prevent fraudulent impositions on the public it is forbidden that unpatented articles be stamped "Patented," and where this is done with intention to deceive, a penalty of one hundred dollars and costs for each article so stamped is provided. Any person may bring action against such offenders. Walker *v.* Hawxhurst, 5 Blatch. 494; Tompkins *v.* Butterfield, 25 Fed. Rep. 556.

A patentee is bound by the limitations imposed on his patent, whether they are voluntary or enforced by the Patent Office, and if he accepts claims not covering his entire invention he abandons the remainder. Toepfer *v.* Goetz, 41 O. G., 933.

Claims should be construed, if possible, to sustain the patentee's right to all he has invented. Ransom *v.* Mayor of N. Y. (1856), Fisher, 252.

The assignor of a patented invention is estopped from denying the validity of his own patent or his own title to the interest transferred. He cannot become the owner of an older patent and hold it against his assignee. Robinson on Patents, Sec. 787, and notes.

Each co-owner of a patent may use his right without the concurrence of the others and

license at will. Washburn & Moen Co. *v.* Chicago Wire Fence Co. (1884), 109 Ill. 71.

A court of equity may direct the sale of an inventor's interest in his patent to satisfy a judgment against him, and will require the patentee to assign as provided in Rev. Stat. Sec. 4898, and if he refuses, will appoint a trustee to make the assignment. See Murray *v.* Ager, 20 O. G., 1311.

A patent right cannot be seized and sold on execution. Carver *v.* Peck, 131 Mass., 291.

A receiver cannot, under his general powers, convey the legal title to a patent. (Adams *v.* Howard, 23 Blatch. 27), but a court may compel an insolvent to assign his patents to a trustee or receiver. Pacific Bank *v.* Robinson, 20 O. G., 1314; Murray *v.* Ager, 20 O. G., 1311.

Any assignment which does not convey to the assignee the entire and unqualified monopoly which the patentee holds in the territory specified, or an undivided interest in the entire monopoly, is a mere license. Sanford *v.* Messer, 2 O. G., 470.

A license is not transferable unless its terms so state. Racine Seeder Co. *v.* Joliet W. C. R. Co., 27 Fed. Rep. 367; Olmer *v.* Rumford Chem. Co., 109 U. S., 75.

A shop right is a mere license and not transferable. Searles *v.* Bouton, 21 O. G., 1784.

A patent license is governed and defined by State law, as distinguished from statutory patent law, and is subject to the incidents which attach to all agreements. Robinson on Patents, Sec. 806.

A breach of a covenant in a license does not work a forfeiture of the license unless it is so expressly agreed. Consolidated Middlings Purifier Co. *v.* Wolf, 37 O. G., 567.

A lawful sale of a patented article by a

patentee or grantee, within his own territory, carries with it the right to use such article throughout the whole United States. Adams *v.* Burke, 5 O. G., 118; Hobbie *v.* Smith, 27 Fed. Rep., 656.

The purchase of a machine carries with it the right to repair the machine, and replace worn parts until the essential original parts of the machine have disappeared. Robinson on Patents, Sec. 827.

Employers are not entitled to the inventions or patents of an employé, unless there is a special agreement to that effect; but where an employé has invented a machine, and puts the invention into practical use in the employer's business, or permits the employer to build or use the machine, a license to continue such use may be implied. See Hapgood *v.* Hewitt, 21 O. G., 1786; Jencks *v.* Langdon Mills, 27 Fed. Rep. 622; Barry *v.* Crane Bros. Mfg. Co., 22 Fed. Rep. 396.

An employer who has employed a skilled workman, for a stated compensation, to devote his time and services to devising and making improvements in articles manufactured by the employer, is not entitled to a conveyance of patent obtained by the employé while so employed, unless there is an express agreement to that effect. Dalzell et al. *v.* Dueber Watch Case Mfg. Co., 63 O. G. 1581.

A contract between an employer and employé, wherein the employé obtains service with the employer on condition that any improvement he may make on the machines of the employer shall be for the *exclusive use* of his employer, held valid. U. S. Court of Appeals, Rulse *v.* Bonsack Machine Co., 70 O. G., 1498.

An employer is not entitled to any knowl-

edge of the independent inventions of his employé. Mallett *v.* Crosby, C. D. 1870, p. 70.

A purchaser at sheriff's sale of a patented machine belonging to and sold as the property of the owner of the patent has the right to use such machine. Wilder *v.* Kent, 15 Fed. Rep. 217.

No State can disturb or modify either the privileges granted by Letters Patent, nor their enjoyment by the persons on whom they are bestowed. Robinson on Patents, Sec. 46.

A State may require the taking out of a license for the sale of manufactured articles, and the fact that the article is produced under a patent will not defeat this power. It is only the right to the invention or discovery—the incorporeal right—which the State cannot interfere with. Webber *v.* Virginia, 20 O. G., 369.

Cooley, J., held that "Any State legislation which undertakes to limit or restrict in any manner the privileges which the Letters Patent confer is an invasion of the sphere of national authority, and therefore void." People *v.* Russell, 25 O. G., 504.

A State cannot discriminate against patented articles by imposing upon their sale conditions and restrictions not placed on the sale of other similar articles. Palmer *v.* State, 39 Ohio, 236.

A State has power to prescribe the terms of a note given for a patent; also to require the vendor of patent rights to file with the county clerk copies of the Letters Patent. See Hankey *v.* Downey (1888), 116 Ind., 118; Herdic *v.* Roessler (1888), 109 N. Y., 127.

That a State cannot tax drummers from other States selling patented or other goods by sample, see Robbins *v.* the Taxing Dist. of Shelby County, Tenn.; Gorson *v.* Maryland (U. S. Supreme Court, 1887).

"A previous mechanical patent is of itself no bar to the grant of a patent to the patentee therein for a design shown in such patent." "Whichever kind of patent is first obtained by the inventor, it will not be a bar to the grant to him of a patent of the other kind." Ex parte Palmer, 21 O. G., 1111.

The circulation of threatening letters or circulars alleging infringement will be enjoined when the language of the letters or circulars is "false, malicious, offensive, or opprobrious, or they are used for the wilful purpose of inflicting an injury." Kelly against Ypsilanti Dress-Stay Mfg. Co., 54 O. G., 659.

At the death of a patentee, the title vests in the executor or administrator. Shaw Relief Valve Co. *v.* City of New Bedford, 19 Fed. Rep., 753.

United States Letters Patent grant the exclusive right to make, to sell, and to use an invention, and no unauthorized person may make a patented invention even for his or her own use.

SCIENTIFIC AMERICAN

ESTABLISHED 1845.

THE MOST POPULAR SCIENTIFIC PAPER IN THE WORLD.

The SCIENTIFIC AMERICAN has been issued every week by the present publishers for a period of over fifty years. It is the only journal published in this country which is devoted to a general treatment of the development of the sciences, arts and manufactures. It appeals particularly to the inventor, as it is full of suggestive articles relating to the mechanical progress of the day, and it contains a complete list of the patents issued each week, together with the name of the patentee and the title of the invention. Each issue is embellished with numerous illustrations showing great engineering works, the most recent inventions in bicycles and motor carriages, new forms of machinery, photography, the latest additions to the Navy, new guns, locomotives, etc., sixteen pages each week. Many of our patrons have been on our subscription books for a period of thirty or forty years, and we often receive letters from old readers stating that they owe their success in life more to having had the SCIENTIFIC AMERICAN as their constant friend and companion than to any other one cause. This journal has probably a larger foreign circulation than any other journal printed in the English language in this country. If you are not familiar with the paper send for a sample copy, sent free, or make a four months' trial for $1.00.

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SCIENTIFIC AMERICAN SUPPLEMENT.

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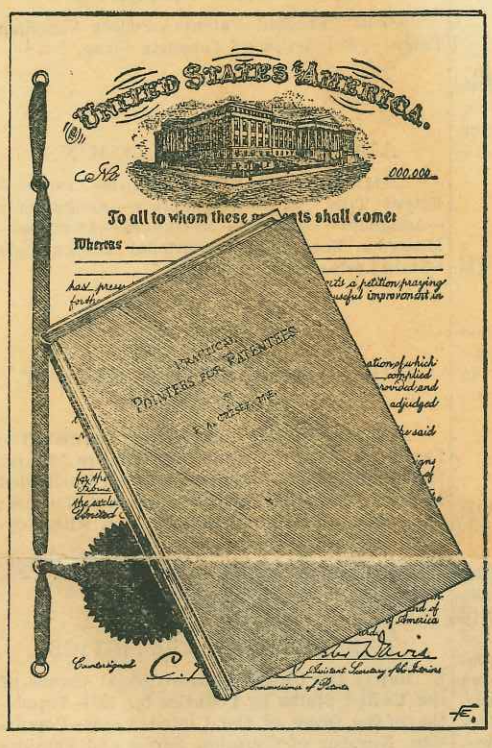

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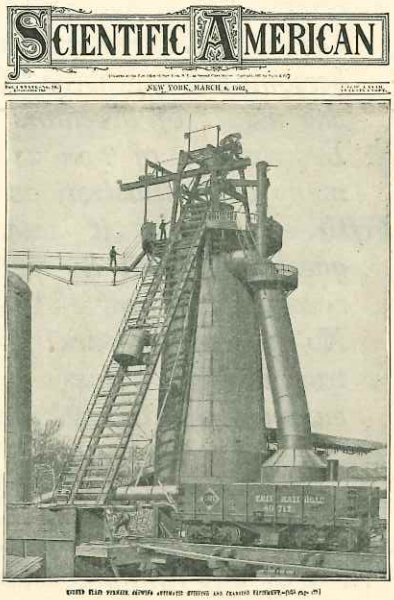
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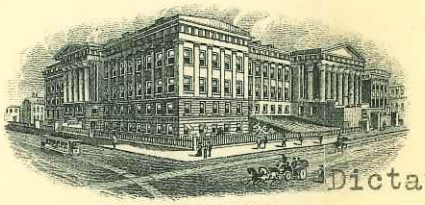

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